

Mr. ENGLISH. Mr. Speaker, during the last 2 weeks, I have introduced the House to my Standard Trade Negotiating Authority Act that I have introduced which in my view offers a new approach to trade promotion authority.

I have highlighted the portion of the bill which provides for a congressional preauthorization process, increasing accountability and transparency in trade policy. Beyond that, H.R. 1446 allows for full and appropriate consideration of labor and environmental issues as important trade agreements are negotiated.

We know that not every trade agreement raises blue and green concerns. For example, labor and environmental provisions are not appropriate to append to financial services or competition policy agreements. However, where serious disparities exist between America and a potential trading partner in the scope or enforcement of workplace protections, labor rights or environmental regulation, so much so that normal social costs become a significant competitive disadvantage in attracting or retaining jobs, under these circumstances, Mr. Speaker, our trade negotiators should be allowed to encompass basic labor and environmental standards as part of an enforceable agreement.

Most Americans recognize that some of our trading partners do not give workers the right to strike or the right to organize. Some do not give workers livable working conditions or guarantee workplace safety. We need to be able to establish a level playing field for our workers competing in the global marketplace through agreements that will protect the environment and workers and promote a healthy economic competition that strengthens and promotes and expands American values.

My bill ensures that no country could engage in a race to the bottom in order to lure jobs by sacrificing the environment or debasing the common rights of its citizens. This bill provides for an assessment of labor and environmental issues with every potential trading partner when the President indicates to Congress he would like to begin negotiations. By establishing a commission made up of representatives of government and private agencies with real expertise in these areas, my bill addresses blue and green concerns at the start of the process instead of as an afterthought.

The commission, once created, will assess the labor and environmental standards of the countries involved, the enforcement and implementation of those standards, and make recommendations on how to comply with the objectives set forth by Congress. Congress and the President would then review the commission's findings and include applicable language in the preauthorization that as a part of its scope would address specific labor and environmental concerns with that country.

Mr. Speaker, this fundamental reform of fast track brings labor and environmental issues into the appropriate focus in trade policy. It represents a conceptual compromise on how to incorporate these very real issues into trade policy. We should be confident that a voluntary exchange of goods and services will buttress our values and strengthen the rights of workers in countries that do business in our market and create an economy that in the long run financially supports environmental challenges.

I urge my colleagues to think about trade policy reform outside of the box, avoiding a debate of sterile extremes that all too often has blighted fast track proposals in the past. I call on every one of my colleagues to step back from partisan posturing and ideological preconceptions and consider how we can unite in defense of our national economic interest.

□ 1900

THE INCREDIBLE TRAVESTY OCCURRING IN KLAMATH BASIN IN OREGON

The SPEAKER pro tempore (Mr. KIRK). Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. WALDEN) is recognized for 60 minutes as the designee of the majority leader.

Mr. WALDEN of Oregon. Mr. Speaker, I rise tonight to address my colleagues in this House about the incredible travesty that is occurring in the Klamath Basin in Oregon.

What I will do tonight is talk about the background of the Klamath Project, which also includes the Tulelake area of Northern California, and about the devastation that has occurred there because of the Federal Government's decision to overappropriate the water and basically tell the farmers they cannot have a drop this year.

That is the first time since this project was created back in 1905 that the Federal Government has failed to keep its word to the people that it enticed, indeed lured, to this basin.

You may be able to see to my left here information from the family that sent me this. After each world war, the Federal Government enticed veterans to settle the Klamath Basin with a promise of water for life. You can see an application for permanent water rights. This is a picture of Jack and his wife Helen and their family in Tulelake, California. They were promised this. They were invited out as veterans to settle the reclaimed lake beds of the Klamath Basin, the Tulelake, California, area and to grow food to feed the world, indeed feed the country, indeed settle the West.

Let me talk about this basin for a moment, and then I will talk about the science that has gone into these decisions, the disputes that exist about that science, and really why the Klam-

ath Basin has become ground zero in the battle over the Endangered Species Act.

First let me give some history. The U.S. Bureau of Reclamation, Klamath Irrigation Project, lies within three counties along the Oregon and California borders: Klamath County in Southern Oregon; Modoc and Siskiyou Counties in Northern California.

Under the 1902 Reclamation Act, the States of California and Oregon ceded lake and wetland areas of the Klamath Basin to the Federal Government for the purpose of draining and reclaiming land for agricultural homesteading. The United States declared that it would appropriate all unappropriated water use rights in the basin for use by the Klamath Project.

So under section 8 of the Reclamation Act, these water use rights would attach to the land irrigated as an appurtenance or appendage to that land.

During the mid-1940s, 214 World War II veterans were lured to the area by the United States Government with promises of homesteads and irrigated farmland and guaranteed water rights.

Established in 1905 as one of the reclamation's first projects, the project provides water for 1,400, that is right, 1,400 small family farms and ranch operations on approximately 200,000 acres. Municipal and industrial water comes from this project, and water for three national wildlife refuges.

Together, farmers and wildlife refuges need about 350,000 acre feet of water.

Now, in 1957, the two States formed the Klamath Compact, to which the Federal Government consented. The compact set the precedence for use in the following order: domestic use, irrigation use, recreation use, including use for fish and wildlife, industrial use and generation of hydroelectric power.

Now producers grow 40 percent of California's fresh potatoes, 35 percent of America's horseradish and wheat and barley. Water users claim that they use less than 5 percent of the water generated in the basin. Yet they generate in excess of \$250 million in economic activity every year. Now I want you to think about that number: \$250 million annually of economic activity in this basin.

On April 6 of this year, the Federal Government said, none of that is going to happen. We are not giving you a drop of water.

In 1988, the U.S. Fish and Wildlife Service listed the short-nosed and the lost river sucker fish as endangered under the Endangered Species Act. In the drought year of 1992, the U.S. Fish and Wildlife Service recommended that Upper Klamath Lake be kept above a minimum elevation of 4,139 feet during summer months, although it allowed that the lake could drop to as low as 4,137 feet in 4 of 10 years.

For the first time in Klamath Reclamation Project's history, irrigation deliveries were curtailed at the end of the growing season to meet minimum

lake levels. That was in 1992, a year of a large drought.

In 1996, the Bureau of Reclamation agreed to meet certain minimum instream flows below Iron Gate Dam to protect habitat for tribal trust resources in anadromous fishruns. In 1997, Southern Oregon and Northern California coastal Coho salmon were listed under the Endangered Species Act as threatened. A 1999 biological opinion from the National Marine Fishery Service concludes Klamath Project operations would affect, but not likely jeopardize, the Coho; and then in the year 2000 a study that some consider to have used controversial experimental technology, to say the least, by Dr. Thomas Hardy, a Utah State University hydrologist, and it called for instream flows to protect the fish far higher than those set by the Federal Energy Regulatory Commission or those agreed by the reclamation in 1996.

Suits have been filed by environmental, tribal and fishing groups to enjoin the Bureau of Reclamation from operating the project without a current biological opinion for the Coho salmon.

Judge Sandra Armstrong subsequently ruled the project may not be operated without adequate flows sent downstream to the salmon.

Following a declaration of severe drought for the Klamath Basin in this year, 2001, a new biological opinion from the U.S. Fish and Wildlife Service for the suckers called for a minimum elevation in Klamath Lake to be raised to 4,140 feet. That is a foot higher than the minimum elevation required during the last drought in 1992, and that was allowed to drop to as low as 4,137. So you are really looking at a 3-foot difference in lake levels all of a sudden that are required, with no tolerance for lower elevations in drought years; no tolerance for lower elevations in drought years.

Then a new biological opinion based on this Hardy flow study called for increased flows below Iron Gate Dam to protect the Coho salmon habitat. On the one hand, you have a Fish and Wildlife biological opinion saying you must maintain a lake level of 4,140 feet with no exception to protect a bottom mud living sucker fish, and then you also have to have a whole bunch more water flowing down the river out of that lake for the Coho salmon.

Analysis of the studies underlying these opinions showed that requirements for the two species appropriate all, all, of the water available in a normal precipitation year; all of the water available in the normal precipitation year to take care of the suckers in the lake and the Coho salmon in the river, according to these new biological opinions. Yet there is incredible discussion, debate, frustration about these two biological opinions, how they were crafted, what they contain, the conclusions that they draw; and I will get into that in some detail soon.

In fact, in a study of historical flow data taken from the past 36 years, now

this is important, Mr. Speaker, in the last 36 years annual flow targets were met in only 13 of those years and monthly targets were never achieved. So think about what this means for the people in this basin. Our veterans from World War I and World War II lured there to settle the lands with the promise of water forever, now have the spigots turned off. The canals are dry, as are their fields.

Operations consistent with these biological opinions would rarely provide water for irrigation or, and this is important, wildlife refuges. Perhaps farming could occur 3 years out of 11; 3 years out of 11.

This is a very complex water system in this basin. They reclaimed lake beds, they built canals. They built diversions. They built sumps. They have added irrigation from pumps. They have moved the water around in this basin to accommodate the wildlife, to provide for the farmers and for the fish. Yet every year we seem to get a new set of biological opinions that say we need more water in the lake, more water in the river. Sorry, if you are a farmer, you are not going to get a drop.

So on April 6, 2001, the Klamath Project Water Allocation decision was announced stating that based on biological opinions and the requirements of the Endangered Species Act there would be no water available from Upper Klamath Lake to supply the farmers of the Klamath Project. Only a small area over in the Langell Valley and Bonanza would receive water from a different system in Clear Lake and Gerber Reservoirs.

Last Saturday, six Members of this House of Representatives, including four members of the House Committee on Resources, participated in a field hearing in Klamath Falls. So many people in that basin wanted to turn out to observe this hearing, and this was not a town meeting but this was an official hearing of the full Committee on Resources, that we had to move the hearing from the Ragland Theater that seats 750 or so people to the Klamath County Fairgrounds where more than 2,000, some have said as high as 3,000, people turned out. For 5½ hours, the grandstands in that fairgrounds contained people concerned about the future of that basin. They sat there with us as we took testimony and heard about the problems.

Somewhere here on one of these posters, I want to show what happened before the hearing started. I think this speaks to the magnitude of the problem, Mr. Speaker. What we see here is a semi-truck, a semi-truck loaded with food. In 5 days, we organized a food drive in Oregon, thanks to the Oregon Grocers Association, with most, if not all, of the grocery stores in the State participating. Eight semi-truck loads of food came down to replenish the food in the Klamath food bank. The number of people accessing that bank is up 1,400. Now, we are talking about a small rural community; 1,400 more peo-

ple, I think was the number, of what they would normally have at this time of year, 1,400.

Think about this sad irony, Mr. Speaker. We have truckloads of food from all over Oregon from grocery stores that often compete but today were united, bringing food to a food bank to feed farmers, farmers going to a food bank. Think how they feel and how the people that work for them feel.

I thank the grocery industry in Oregon for their generosity. This will get us through the middle of August. That is all, the middle of August. Then we will be back looking for more help, and we can use it.

I said that science is always at issue in debate here, and I want to get into why I believe the Endangered Species Act needs to be revised to deal with the issue of science. In this case again we are dealing with two biological opinions, one from the Fish and Wildlife Service and one from the National Marine Fisheries Service.

The one from the Fish and Wildlife Service, I am told, was originally put together, the science there as part of the tribal trust obligations of the Department of Interior through the Bureau of Indian Affairs, to be used as data in water adjudication issues for the Klamath tribes, a legitimate purpose. It all makes sense, but those data and the analysis then came over to the other part of the Department of the Interior, the Fish and Wildlife Service, and used there to set the lake level, not part of the adjudication now but to set the lake levels they believed, these scientists believed, necessary to improve the lives of the suckers.

One of the things the Endangered Species Act does not require is that that data, those analyses, those data not be made public. I think it ought to require that, because I think each of us in this Chamber and those elsewhere should have an opportunity to review this science. I do not see what would be wrong with saying, you ought to have that opportunity and that ability and the law to specify that.

The law under the Endangered Species Act does not require that that science be independently reviewed, peer reviewed. It does not require that.

In this case, the Fish and Wildlife Service, to their credit, went to one of the great establishments in Oregon, educational institutions, Oregon State University, and asked for a review of their pre-decisional draft professional scientific review. They went to these outside scientists; said, you take a look at this and tell us what you think.

I want to read what the scientists at Oregon State University said in response to the biology that had been put together to make this decision. Now, again, this is the pre-decisional draft. This is not what they ended up with, but I just want to say what we started with.

Here is what they wrote. This review of the BO, the biological opinion, will address both the key scientific issues

related to the opinion and editorial problems with the document. The editorial problems are of such magnitude that they severely influence this review. The misspelled words, incomplete sentences, apparent word omissions, missing or incomplete citations, repetitious statements, vagueness, illogical conclusions, inconsistent and contradictory statements, often back-to-back, factual inaccuracies, lack of rigor, rampant speculation, format content and organizational structure make it very difficult to evaluate this biological opinion.

□ 1915

We urge in the strongest possible way that the Service revisit every single sentence for importance, applicability, grammar, spelling, content and internal consistency with other parts of the document. The document is excessively long. The problems are not, quote-unquote, window dressing. Rather, they obscure the data and make it very difficult to find validity in the claims. This document has the potential to have a severe negative impact on the Service's public credibility.

Now, as I said, in this case the biologists went for outside consultation, peer review, and they got it. They got it.

Now, it is important to understand this document was dated 6 March, 2001. The decision that set the new lake level came down 6 April, 2001, a month later. Now, to their credit, the folks at Oregon State reviewed the final decision of the Biological Opinion and said it is reasonable. They cleaned it up, they fixed it, and you could come to the conclusions they came to based on the data that is there.

Now, I have also seen an e-mail from one of the scientists that did this review who said he also thinks it errs on the side of the fish, and that you could reach a different conclusion. So the science is still being debated out there. But the one thing that is not debated out there is that there is no water for the farmers.

Now, take a look at this. Normally this would be a green field this time of year. Normally this would be a green field. This is a wheel line. You can see the wheel is mired down here in the dust of what should be a green field. The winds are kicking up the dust. And I realize it may not be the highest definition picture here, but suffice it to say, in many areas, this is what we are beginning to see happen. Farms that would be producing wheat or horse-radish or alfalfa or other pasture or other grains, look like this. Some farmers tried to do their best to put a cover crop on so that it would not blow away. Most of them have succeeded in that. But as the summer sun bakes on this land and the winds kick up, we are seeing more and more of this problem. They have no water.

Now, I say the science is being questioned. In our Committee on Resources hearing on Saturday, David A. Vogel

testified, and he is a biologist with all the kind of background you would want, a Master of Science Degree in natural resources and fisheries from the University of Michigan, Bachelor of Science in biology from Bowling Green State University, worked in the Fishery Research and Fishery Resources Division of the Fish and Wildlife Service for 14 years, in the National Marine Fishery Service for a year, received numerous superior and outstanding achievement awards and commendations, on and on and on, has done a lot of research on the Klamath Basin.

Let me tell you what he said about what has happened here. I am quoting from his testimony before our committee.

"In my entire professional career, I have never been involved in a decision-making process that was as closed, segregated and poor as we now have in the Klamath Basin. The constructive science-based processes I have been involved in elsewhere have involved an honest and open dialogue among people having scientific expertise. Hypotheses are developed and rigorously developed against empirical evidence."

That is pretty harsh stuff.

"None of those elements of good science characterize the decision making process for the Klamath project."

Now, I would say as a disclaimer, the Klamath water users have hired his firm to evaluate this science. But if this was the fate of your farm, would you not be hiring well-qualified scientists to question the data that a month before it is put into use is ripped apart in a stern indictment. Now, again, they cleaned it up, but I got to tell you when no water is flowing and the only thing that is coming your way is a foreclosure notice, you ought to look at the science and hire quality people to do that. I believe they have done that here.

Some other things I want to point out, because I think it is important. Again from Mr. Vogel, who has credentials in this area:

"It is now very evident that the Upper Klamath Lake sucker populations have experienced substantial recruitment in recent years, and also exhibit recruitment every year. Only 3 years after the sucker listing, it also became apparent that the assumptions concerning the status of short-nosed suckers and Lost River suckers in the Lost River-Clear Lake watershed were in error. Surveys performed just after the sucker listing found substantial populations of suckers in Clear Lake reported as common, exhibiting a biologically desirable diverse age distribution. Within California, the U.S. Fish and Wildlife surveys considered populations of both species as relatively abundant, particularly short-nosed, and exist in mixed-age populations, indicating successful reproduction. Recent population estimates for suckers in the Lost River-Clear Lake watershed indicated their populations are substantial and that hybridization is no

longer considered as rampant, as portrayed in the U.S. Fish and Wildlife Service study in 1988. Tens of thousands of short-nosed suckers exhibiting good recruitment are now known to exist in Gerber Reservoir.

"In 1994, the Clear Lake populations of Lost River suckers and the short-nosed suckers were estimated at 22,000 and 70,000 respectively, with both populations increasing in recent years exhibiting good recruitment and a diverse age distribution. Unlike the information provided by the U.S. Fish and Wildlife Service in the 1988 ESA listing, it is now obvious that the species' habitats were sufficiently good to provide suitable conditions for these populations. Additionally, the geographic range in which the suckers are found in the watershed is now known to be much larger than believed at the time of the listing."

He goes on to say, "I believe the U.S. Fish and Wildlife Service's recent biological opinion on the operations of the Klamath project has artificially created a regulatory crisis that did not have to occur." That did not have to occur.

He goes on, and I think this is very important, "This circumstance was caused by the Fish and Wildlife Service focus on Upper Klamath Lake elevation and is a major step in the wrong direction for practical natural resource management. The U.S. Fish and Wildlife Service rationale for imposing high reservoir levels ranges from keeping the levels high early in the season to allow suckers spawning access to one small lakeshore spring, to keeping the lake high for presumed water quality improvements. This measure of artificially maintaining higher than historical lake elevations is likely to be detrimental, not beneficial, for sucker populations. These data do not show a relationship between lake elevations and sucker populations."

Listen to that again. The data do not show a relationship between lake levels and sucker populations, "and to maintain higher than normal lake elevations can actually promote fish kills in water bodies such as Klamath Lake."

So which scientist do you believe? Which scientist do you believe? The problem is when it comes to the Endangered Species Act, the only ones that are believed are the ones that issued this biological opinion that resulted in no water for the farmers.

Mr. Vogel goes on to write, "During the mid-1990s, I predicted that fish kills would occur if Upper Klamath Lake elevations were maintained at higher than historical levels. Subsequently, those fish kills did occur. The U.S. Fish and Wildlife Service recent biological opinion dismissed or ignored the biological lessons from fish kills that occurred in 1971, 1986, 1995, 1996 and 1997, and instead selectively reported only information to support the agency's concept of higher lake levels. All the

empirical evidence and material demonstrate that huge fish kills have occurred when Upper Klamath Lake was near average or above average elevations, but not at low elevations. This is not an opinion, but a fact, extensively documented in the administrative record and subsequently ignored by U.S. Fish and Wildlife Service."

So that is Mr. Vogel's comments.

Now I would like to share with my colleagues comments from another very learned individual, Mr. Harry Carlson, Superintendent, Farm Adviser, on the letterhead of the University of California. I will find his credentials here, because they are very solid.

He says, three degrees from the University of California at Davis, BS in wildlife and fisheries biology, MS in agronomy, and a PhD in ecology. Superintendent at the University of California Intermountain Research and Extension Center in Tulelake, California. He is also the university farm adviser for field and vegetable crops in Modoc and Siskiyou Counties. So in these roles he collaborates with many university researchers on issues of importance regarding agriculture in the Klamath Basin. Obviously a gentleman with incredible credentials and very capable of commenting on this science.

He says, "Serious gaps and errors in logic in the 2001 NMFS Biological Opinion on Coho salmon severely damage the credibility of the report in demanding huge increases in flows for the protection of the species. The legal basis for issuing this opinion lies solely on the threatened status of Coho salmon in the greater southern Oregon-northern California region. Yet, the NMFS Biological Opinion is almost solely based upon Chinook salmon, not on threatened Coho species. Further, there is almost no discussion on the explicit effects of Klamath project operation on Coho populations in this area. Most of the discussion is centered on Chinook populations and life stages, while acknowledging that Coho life histories and the use of the river resource are very different from Chinook. This leads to serious errors in logic and invalid conclusions."

He goes on to say, "The report acknowledges that very little is known about the status of Coho in the Klamath River, but at the same time, ignores the detailed hatchery return data that are available. Full analysis of these data probably would show that there is very poor correlation between Iron Gate flow regimens, Coho survival and spawning returns."

He writes, "My overall conclusions are these: The salmon Biological Opinion never comes close to making a case that proposed project operations and resultant flows in any way jeopardize the continued existence of Coho in the Klamath River. Science and logic dictate that the increased flow requirements demanded in the Biological Opinion will most likely have little impact on the continued existence of

Coho salmon in southern Oregon and northern California. Similarly, the high lake levels demanded in the sucker fish Biological Opinion are not supported by logic or available data. Indeed, high lake levels may be part of the problem. An independent, unbiased review of the Biological Opinions would lead to the almost inescapable conclusion that the maintenance of high Klamath Lake levels and the increased demand for flows in the river will have little or no impact on the recovery of the threatened and endangered fish."

Again, the University of California, Harry L. Carlson, Superintendent, Farm Adviser, PhD ecology, BS in wildlife and fisheries biology. Learned individuals who have also looked at these data and come up with much different conclusions.

Yet, again, the only conclusion these folks have who want to farm in this basin and were promised water is that there is nothing in the A Canal and nothing in their fields. I want to tell their story now. You heard about the conflict over the biology and the science.

Before I get to their story, I think it is important to again say, does this not speak volumes about the need for independent, blind, peer review of the data? Why should we not change the Endangered Species Act to require that? Should we not know that at the foundation of a decision that affects 1,400 farm families, ruins a \$200 million economy, and threatens the survivability of bald eagles in the refuge that holds the most of them in the winter of anywhere in the lower 48 and is a major stopping point on the Pacific flyway, where 70 percent of the food is raised on farms like this. Where are those birds going to eat? They can eat dirt, and the bald eagles are going to suffer. The environmental organizations are threatening to sue over all of these decisions, because there is not water adequate enough for the refuge.

Let me share some of the stories of some of the people I represent in the Klamath Basin. Reading from boxes of testimony, you probably cannot see them, colleagues, but two full boxes of testimony over here that we picked up at the hearing from individuals who wanted their thoughts heard, so we have gone through that. I want to share some, because they are heart-wrenching and they speak to the problem.

This is entitled "Proud to be an American." "When my daughter, who was raised here in the Basin, left to go to college, eager to live in a bigger city, I told her one day she would be back. I was right. She did come back, and married a wonderful, hard-working, caring and intelligent man. He happened to be a farmer. I felt blessed to be able to live near them. Soon they gave our family two more precious people to love, my grandchildren. Life seemed good. I was and am a proud grandparent, and I was a proud American. And I don't feel that now.

"My daughter spent her birthday this January in the hospital receiving the news her 5-year-old son has Type I diabetes. Our families were shocked and scared. As you can imagine, it has changed all of our lives forever. Then this. No water for farmers, no farming, no money, no health insurance for their son. I wake every night unable to sleep, tossing and turning with constant thoughts of all this mess. Driving to and from Merrill to Klamath Falls, I look at the fields, the sheep, the cattle, the horses, and all the types of birds soaring in the sky. It is hard to imagine that this will all be gone.

□ 1930

"The other grandparents and farmers are too and were in the process of retiring. Imagine trying to start a new career at the age you are supposed to be thinking of retirement. This is just one family. Some may be a little better off, some a little worse, only time will tell. I will never feel the same about our country or our flag that I was always so proud of. The men who fought for what it was supposed to represent have my pride, but it ends there. I would never have believed America would turn its back on its own. What a joke.

"My soon-to-be six-year-old-grandson can go by any field around here and he can tell you who it belongs to, what they are growing and knows all the equipment names and how they are used. No one can ever tell me that the love of farming was not born in this young boy.

"This is not about a drought, it is about destroying a way of life, taking away freedom, crushing hopes and dreams and changing forever the lives of generations to come. When this all started, I decided to make a scrapbook for my grandson, thinking it would be something he would be proud of: the farmers fighting for their rights and winning. I never dreamed I would be putting together a book that would show him how he lost his heritage as a fifth generation farmer. My heart breaks for my daughter and her family and all the other farmers facing the demise of their honorable profession. Proud to be an American? Not anymore." Signed, Susan Morin.

Jeffrey Boyd writes, "This water crisis has the potential to destroy everything my grandfather, my father, and my family have worked to build. My grandfather is 92 years old and is confined to a bed in a rest home in Klamath Falls, Oregon. He may not be able to move, but he is aware of what is going on and he cannot believe what is happening to the Klamath project. My father will be 60 years old this year and this will be the first time in his 40-plus years of farming that no water will be delivered to the Klamath project, to the Tulelake irrigation district. His land values have fallen and he is worried that the bank will foreclose.

"As for myself, my family and I are determined to stay and fight for what we know is right. However, I am not

able to get financing because of no water; and other than a minor amount of well water, I am not able to irrigate my crops. My father, out of the goodness of his heart, can employ me until October, and then my job is gone. To top all of that off, the potato packing shed that my wife works for will probably have to lay off people because the growers that run potatoes through the shed have no water and can raise no potatoes. I hope this sounds bad, because it is."

It is bad. It is tragic, and it does not have to happen.

For Mary Lou Clark, she writes, "As an educator, I am alarmed that the loss of hundreds of millions of dollars in property taxes and farm production will devastate our schools as well as all public services in the Klamath Basin. All sectors of our community are beginning to feel the devastation as farmers go bankrupt. Laborers go hungry and businesses supporting farmers are forced to close their doors. I urge you to help us right this terrible wrong. We are more than willing to participate in solutions, but the people of the Klamath Basin should not have to bear the brunt of the consequences of the Endangered Species Act and water shortages alone. Common sense has to prevail."

This one from Richard and Nicola Biehn. "It is crucial that the economic hardships of the people are considered. For us, the slowdown of the asphalt construction, my husband has lost days of work, as paved streets and driveways are not priorities when people are worried about mortgages and grocery bills. The construction trade is grinding to a halt. Thus, there will be less work in the future for local small companies."

And from Deep Creek Ranch in Merrill, Oregon, Don and Connie and Julie Dean write, "At 60 years of age and a lifetime effort expended maintaining a livestock and farming heritage established by my parents, how do I attempt to explain the heartache and the stress factor created by the complete loss of a year's production? Granted, we are not a large operation, but it provides for my mother, my wife, and myself and, I thought, future for my daughter, my sister-in-law and their children who are the next generation taking over this operation. What reassurance can there be for the younger generation of a country that will blind side its citizens with such economic devastation? The initial loss of \$150,000 in sales for 2001 together with approximately \$125,000 of capital expenses for establishing an irrigation well and replanting the alfalfa acreage destroyed by the man-made drought erodes the financial stability of this family farm."

The passage of time used to be a comforting asset in the growing of crops, but under the present situation, time has become a mortal enemy, slowly moving many families in the Basin closer to total financial collapse. As we approach fall, the thoughts of thousands of farm families and town busi-

nesses finding themselves with their backs against the wall could make for a desperate group to deal with. It is with utmost sincerity that I request this honorable committee to take urgent action and the \$221 million aid package being considered to rectify the taking of our contractual irrigation water."

Indeed, this administration stepped forward immediately with a \$20 million package in the supplemental appropriations that we approved yesterday in this House Chamber. Twenty million of a \$250 million problem. I thank them for the initial help. Obviously, much more needs to happen.

Unfortunately, the others in the other body today, they worked on language to remove that \$20 million. How heartless. How senseless. How wrong-headed. Hopefully, my colleagues will come to their senses and restore it, because if we cannot get \$20 million, what are we really telling these people? We do not care at all? It is wrong. It has to change.

Mr. Speaker, the other sad irony in all of this, these people who have not had the water turned on at canal, who fought for our country in World War I and World War II and settled this land at the asking of the government, who are now having to go to food banks and beg with their banks not to foreclose on them and explain to their kids and workers who have worked the fields for them for 30 years that the future is bleak. They are also getting bills from the Federal Government to pay for the operations and management of a project that delivers no water to them; delivers no water. They get a bill for it.

We are going to try and change that too. I am going to call on the Department of Interior, the Bureau of Reclamation to take pity and mercy on these people and at least waive those fees for this year. If they are not going to get water, why should they have to pay when they have had another promise broken to them.

Here is another letter I received, and it is amazing how many people also send photos of themselves and when they settled here and what it was like and what it has become for them.

"The day of April 6, 2001 was as infamous to the people in this Valley of Tulelake as December 7, Pearl Harbor Day, was to the citizens of the United States." This from retired staff sergeant Fred Robison, I believe, U.S. Air Force, 1942 to 1946. He sent a picture here, my colleagues probably, I am sure, cannot see, but I will read the caption because it was on the front cover of Reclamation Era Magazine, February 1947.

"Fortune smiled on Fred and Velma Robison because we wanted our readers to see that others shared their joy." Here is the full picture from which the cover was made. Fred had to wait until number 61 was drawn before hearing the good news. You can tell by those big grins that it was well worth it. He was one of the Tulelake homestead

winners, 1947. No water today. He fought for his country. They turn off the spigot.

A letter to the gentleman from Utah (Mr. HANSEN), chairman of the Committee on Resources from Darla Parks, a 40th generation farm family teacher and mother. She said the day they cut off the water was one of the worst days of her life. It says, "Instead, I feel that I was naive and betrayed by a government that I knew was imperfect, but a government that I trusted not to breach contracts, a government that could use common sense and look at the real facts and would surely put entire communities before fish and find an equitable solution where both fish and farmers could survive."

That is the argument I am trying to make tonight, is both can survive. They have, they can. These decisions are based on science that is in dispute, by certified, smart people. I read their credentials. They have looked at the same science and said, I get a different conclusion. But under the Endangered Species Act, there is only one conclusion that prevails, and that is the one that comes from the agency, and that is not right.

I have a lot of other letters here. I want to share a few comments and then I will yield my time back to the Chair. A couple of these I just feel like I have to share.

Bob and Lynn Baley, and Kylee and Allie and Bradlyn. "I, Bob Baley and my wife Lynn are both third generation farmers in the Tulelake area. We have both worked to live in this community all of our lives. When we planned our family of three wonderful girls, it was our dream and intentions to raise them in the same town, attending the same schools, church, 4-H and FFA programs that we have had the experience and pleasure enjoying in this drug-free, nonviolent, rural community. Grandfather Baley raised his first commercial table stock potato crop in 1929 on this family farm. The Baleys have provided potatoes every year from then until this devastating water cutoff year of 2001. Along with commercial potatoes, this family farm has worked very hard to build itself into a very diversified family farming operation of 3,000 acres consisting of contracted Frito Lay potatoes for the past 32 years, contracted dehydrated onions for the past 41 years, contracted peppermint for oil, along with alfalfa for hay, barleys, wheat and peas, all of which are water-dependent crops. One year without fulfilling our contracts, we have a very high chance of never achieving them again, and that will financially destroy this operation."

So I say to my colleagues, as we pick up a bag of Frito Lay potato chips, think about the Baleys, the fact that for years they have had contracts with companies like Frito Lay, to provide for the potatoes that go into those bags. I have to laugh, some people think you get milk from a carton and potato chips from a bag and you forget

they are grown by men and women who take the risks, who work long days and in some cases long nights, who fight against Mother Nature's freezing temperatures and yes, droughts, and now our government who says they cannot have water.

And then they go up against some radical environmentalists. We had one that testified, who actually I have worked with and worked out some solutions with, but I was really disturbed by his comments to the committee because he said "Locally, potatoes are being raised more for the government subsidies than the market." Totally erroneous. Factually in error. Sure, there are some potato growers here that probably have crop insurance, just like you and I have auto insurance, to protect us against the unexpected. It is a prudent business practice. But growing for subsidies? The Balesys do not grow for subsidies, they grow for Frito Lay. There are no subsidies for these crops.

This person also said, first it is marginal farmland. You put water on this land like they have since 1905 and it produces some of the best yields in America. I do not know many crops in the garden at my house if I fail to water it, if I do not go home this weekend and the water system does not work, they are not going to look very good on a summer weekend. Without water, we do not grow things in this country. I grew up on a cherry orchard. We did not water often, but the trees would not have survived if we did not water at all. That is what we have happening. We are getting dust bowl where we used to have a Basin that was so very productive and farmers who were successful.

Mr. Speaker, I want to close with just two other comments. This is from one of the outstanding commissioners, county commissioners; and we have some really great county commissioners in these counties. I am most familiar, of course, with the Klamath County commissioners, Steve West, John Elliott, and Al Switzer, who have worked day and night with me on trying to do everything we can to get help. But I think Commissioner West who was asked to testify said it well. He said, "In passing the Endangered Species Act legislation, the people's elected Federal representatives said that these species were important enough to the people of the United States to pass a powerful law.

The Endangered Species Act is the Federal law for all of the people of the United States. Therefore, all of the people of the United States should have to shoulder the cost of implementing this law, not just those that make the upper Klamath Basin their home. The people of Klamath County and the upper Klamath Basin cannot be asked to pay the entire costs of the Endangered Species Act for the entire Klamath River watershed. All of the problems of water quality, quantity and endangered species in the Klamath River system cannot be solved on the backs

of the upper Klamath irrigation project, the people of Klamath county and the people of the upper Klamath Basin alone."

These people want to work together with environmentalists, they want to respect the tribal rights of the Yuroks and the Klamath and others who have legitimate claims here that we need to respect and not trample their rights, but we do not need to trample the rights of the other people in this Basin.

So in closing, I want to thank the gentleman from Utah (Mr. HANSEN) for his willingness to allow us to have this full Committee on Resources hearing in my district. I want to thank the gentleman from California (Mr. HERGER) who has been tireless at my side and I at his as we work to find solutions. Sue Ellen Waldbridge over at the Department of Interior for agreeing to come out and testify but, moreover, for spending 82 hours on the ground out there trying to learn about every angle of this problem and look and work with us for solutions.

□ 1945

I want to thank the gentleman from Washington (Mr. HASTINGS), the gentleman from Nevada (Mr. GIBBONS), the gentleman from Idaho (Mr. SIMPSON), and especially the gentleman from California (Mr. POMBO), who joined me on the dais, and who participated for 5½ hours on Father's Day weekend to take testimony and hear about the problem. He pledged to work with me as we tried to find solutions so we do not have a dust bowl, so we do not have farmers going to food banks, so we have an Endangered Species Act that works for the species that does not pit one against the other, bald eagles against suckerfish, but one which works for all.

This reform is definitely needed.

ISSUES AFFECTING SOUTH DAKOTA AND THE UNITED STATES

The SPEAKER pro tempore (Mr. REHBERG). Under the Speaker's announced policy of January 3, 2001, the gentleman from South Dakota (Mr. THUNE) is recognized for 14 minutes, the remainder of the leadership hour, as the designee of the majority leader.

Mr. THUNE. Mr. Speaker, I appreciate the opportunity to visit about some of the issues that are impacting not only my State of South Dakota but the entire country.

As most Members know, I represent the entire State of South Dakota, a State that consists of 77,000 square miles and about 750,000 people, which means there is a lot of real estate out there, and which makes us as a State very dependent upon energy.

Our number one industry is agriculture, a very energy-intensive sector of the economy. We rely heavily upon travel in our State during the summer months. People come to the Black Hills and Mt. Rushmore and many other sites in South Dakota. In order to

make sure that that tourism industry thrives and prospers, we have to have an affordable supply of gasoline.

Of course, since people live in small towns, just to get back and forth to the doctor, to take advantage of many of the services that are provided in the more populated areas of my State, it requires sometimes driving great distances. So this energy crisis is a very real one.

Mr. Speaker, I would simply say, as well, that as I have looked at the farm economy in the last few years, and we have seen how we have had this chronic cycle of depressed agricultural commodity prices, and we see now increasing energy costs and input costs going up, the bridge, the gap between what it takes to run an operation and what a farmer or rancher can derive from income in that farm or ranch operation, the gap continues to grow or widen. It is increasingly difficult for our producers to make a living on the land.

This energy crisis, Mr. Speaker, I would argue has particular ramifications for areas like South Dakota and other rural areas across the country. In fact, last week at the elevator in South Dakota, one of the elevators I was looking at, the price for a bushel of corn was \$1.45 a bushel. The price for gasoline in that same town was \$1.59 a gallon, actually down about 20 cents from a couple of weeks previous. So they cannot even, as a farmer today, get for a bushel of corn what it costs to purchase a gallon of gasoline. There is something seriously wrong with that picture.

Mr. Speaker, we are in the process right now of writing a new farm bill in the Committee on Agriculture in hopes that we will be able to have that on the floor sometime before the end of this year, so we can put in place a new program that will enable our producers to make decisions about their future, hopefully with a bill that provides more stability, more predictability, more certainty about what the incomes and the costs and everything else are going to be associated with agriculture as we move into the future.

The one thing they cannot control is the cost of energy. Mr. Speaker, it is important that this Congress begin to focus and to zero in like a laser beam on this issue. It is our responsibility.

We can argue, and we have, about who is at fault for this. Frankly, we have not had an energy policy in this country for the past 8 years. That is one of the things we have all talked about. Republicans blame Democrats and Democrats blame Republicans, but the fact of the matter is, this is not a Republican or a Democrat problem, this is an American problem, an American challenge. We need to work together across political aisles to find a solution.

Mr. Speaker, I believe that we have a good starting point. The President and his Commission on Energy came out with a report about a month ago. It is 170 pages or thereabouts long. It has 105